UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,453	12/21/2000	Rene Seeber	6619/54186	2390

7590 07/14/2005

Donald L. Bartels
Coudert Brothers LLP
Two Palo Alto Square
3000 El Camino Real, Fourth Floor
Palo Alto, CA 94306-2121

EXAMINER	
DESIRE, GREGORY M	

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/746,453	SEEBER, RENE	
	Examiner	Art Unit	
	Gregory M. Desire	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/21/05 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 6, 12, 15 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Crill et al (6,618,501).

Regarding claim 1 Osawa discloses,

Searching a database for target objects (note fig. 1 block 104 and col. 5 lines 15-17, examiner interprets computer search candidate image as searching database for target objects);

Providing a known object (note fig. 1 block 102 and col. 2 lines 12-14, providing a reference image examiner interprets as known object comprising an image being provided); and

Determining if any target object in the database is confusingly similar with the known object (note fig. 1, block 108, indicating matches determines if a target object is similar with the known object) by comparing a model based on a full-size of the known object with at least one of a full size of the target object, scaled version of the entire target object and a portion of the target object (note fig. 1, block 106 and col. 5 lines 20-22 and 37-52 a comparison of full size image of target and known image is performed), the full size of the known object comprises a complete area of pixels of the known object (note col. 5 lines 54-57, the reference image is the known object, the term image includes picture, graphics, etc , includes a complete area of pixels).

Regarding claims 4 and 12 Crill discloses,

Wherein said objects are selected from the group consisting of images, videos, sound and mixture thereof (note col. 5 lines 55-57).

Regarding method claim 6 Crill discloses,

Wherein said database comprises the worldwide Internet (note col. 6 lines 10-15, 20-23 and 27-32)

Regarding method claim 14 Crill discloses,

Wherein said determining if any object is confusingly similar with the known object comprises determining necessary metadata for any of the objects (note col. 5 lines 55-65, Crill determines relevant images, wherein the image is content of software files).

Regarding claim 15 Crill discloses,

Wherein said determining if any objects is confusingly similar with the known object comprises performing comprising one of the following process steps:
Crill performs the one step: e) Conducting an object similarity analysis on the object (note fig. 1 block 108 and col. 5 lines 20-25, result of the comparison is similarity analysis).

Regarding method claim 29 Crill discloses,

Determining what region of the object the known object is located (note col. 10 lines 5-9, determines location of known object in the input image).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2, 3, 13, 16-25, 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crill in view of Matamoros et al (6,161,109).

Regarding claims 2, 16, 17, 19, 21, 23 Crill discloses, objects from the database. Crill is silent duplicating the objects from the database to produce duplicated objects and storing the duplicated objects to produce stored duplicated objects. However, Matamoros discloses duplicating the objects from the database to produce duplicated objects and storing the duplicated objects to produce stored duplicated objects (note fig. 1, block 122 in connection col 4 lines 45-56, image copying system, duplicate and stores images from database). Therefore it would have been obvious to one having ordinary skills in the art to include duplication objects from the database in the system of Crill as evidenced by Matamoros. Crill discloses image from database. Matamoros in the same field of endeavor duplicates image, generating object identifiers providing an improved method of copying a database (note col. 3 lines 4-5).

Regarding claims 3, 18, 20 and 22 Crill and Matamoros discloses,

Determining the degree of similarity of any stored duplicated object with the known object (note col.2 lines 15-17).

Regarding claim 13 Crill and Matamoros discloses,

Wherein said determining if any object is confusingly similar with the known object comprises determining if all of the necessary metadata is available for any of the

stored duplicated objects (note col. 3 lines 8-15 and col. 4 lines 37-50, Matamoros determines relevant images, wherein the object image is metadata).

Regarding claim 24 Crill and Matamoros discloses,

Providing a threshold degree of similarity to a set standard for confusingly similar between the known object and the duplicated object (note col. 4 lines 43-51, threshold is used to provide degree of similarity).

Regarding claim 25 Crill and Matamoros discloses,

Displaying the degree of similarity if the degree of similarity is at least equal to the threshold degree of similarity (note fig. 2, shows display).

Regarding claim 27 Crill and Matamoros discloses,

Duplicated object is a frame of a video (note Matamoros col. 1 line 63-65).

Regarding claim 31 Crill and Matamoros discloses,

Wherein said determining means comprises a comparison engine (note Crill, fig. 1 block 105 and col. 5 lines 40-45, comparison operation is performed).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crill in view of Lipson et al (6,463,426).

Regarding claim 5 Crill discloses,

Search, providing and determining of an object. Crill is silent wherein object is an intellectual property selected from the groups consisting of logos, trademarks, service marks, and mixture thereof. However, Lipson discloses objects is an intellectual property selected from the groups consisting of logos, trademarks, service marks, and mixture thereof (note fig. 7 and col. 17 lines 45-55, lines cite trademark image). Therefore it would have been obvious one having ordinary skills in the art to disclose object is a trademark. Crill searches, provides and determines an object. Lipson in the same field endeavor teaches search with trademark image. Providing an Internet search for trademarks and variety of images (note col. 2 lines13-20 and 34-40).

7. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crill in view of Finseth et al (6,271,840)

Regarding claim 7 Crill discloses,

Searching database-using Internet. Crill is silent disclosing searching a database with a web crawler. However, Finseth searches a database with a web crawler (note fig. 1 block 32 in connection with col. 5 lines 1-5). Therefore it would have been obvious to one having ordinary in the art to disclose searching a database with a web crawler in the system of Crill as evidenced by Finseth. Crill searches images using the Internet and Finseth in the same field of endeavor uses web-crawler to search on an automated basis and using an interface (note col. 2 lines 35-46).

Regarding method claim 8 Crill and Finseth discloses,

Wherein said web crawler sweeps the database including the worldwide Internet by following hyperlinks contained in we site elements (note Finseth, col. 5 lines 24-28).

Regarding method claim 9 Crill and Finseth discloses,

Wherein said web crawler sweeps web sites that are not linked (note Finseth col. 6 lines 25-34, examiner interprets evaluating omitted websites as web sites not linked web crawler sweep).

Regarding method claim 10 Crill and Finseth discloses,

Duplicating URL's and hyperlinks for the objects (note Finseth, col. 5 lines 31-51, examiner interprets providing image of hyper links as duplicating hyperlinks for the objects).

Regarding method claim 11 Crill and Finseth discloses,

Storing URL's for the objects (note Crill col. 8 lines 40-50, URL store and retrieves objects).

8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crill Matamoros in further view of Lipson et al.

Regarding claim 28 Crill and Matamoros discloses,

Duplicated objects being search through the Internet. Crill and Matamoros are silent wherein duplicated object is a logo. However, Lipson discloses an object is a

logo, (note fig. 7 and col. 17 lines 45-55). Therefore it would have been obvious one having ordinary skills in the art to disclose duplicated object is a log. Crill and Matamoros performs Internet search of duplicated object (duplicated image). Lipson in the same field endeavor teaches object as a log. Providing an Internet search for logo and variety of images (note col. 2 lines13-20 and 34-40)

9. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crill and Matamoros in further view of Finseth.

Regarding claim 30 Crill and Matamoros discloses,

Searching database-using Internet coupled with a duplicator. Crill and Matamoros are silent disclosing searching a database with a web crawler. However, Finseth searches a database with a web crawler (note fig. 1 block 32 in connection with col. 5 lines 1-5). Therefore it would have been obvious to one having ordinary in the art to disclose searching a database with a web crawler in the system of Crill and Matamoros as evidenced by Finseth. Crill and Matamoros searches images using the Internet and Finseth in the same field of endeavor uses web-crawler to search on an automated basis and using an interface (note col. 2 lines 35-46).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (571) 272-7449. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire
Examiner
Art Unit 2625

G.D.
July 09, 2005